IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 467 OF 2007

SMT. RAJARAM SHAMBHU GOVEKAR
(DECEASED) THROUGH LR'S ... Petitioners

Versus

MR. ULHAS RAJARAM KARPE ... Respondent

Mr. A. D. Bhobe, Advocate for petitioners.

Coram:- R. S. MOHITE, J.

Date:- 29th September, 2007

P.C.

This is a petition, impugning an order passed by the Civil Judge, Jr. Division, Bicholim in execution proceedings. A decree for eviction was passed against the present petitioners on 17.10.2002. Execution proceeding was filed on 7.12.2004 and the impugned order was passed in the said execution proceeding for removal/demolition with police protection. It is sought to be argued that an appeal was filed against the main decree and the same could not be taken up because an application for condonation of delay, as also an application for bringing the LRs. were pending.

2. In my view, that cannot be a reason. The appeal has been filed after a period of four years, in the year 2006. Obviously, the present petitioners have not been diligent. Not a fit case to interfere. Hence the petition rejected. As a grace, status quo will be maintained for 15 days from today. It is made clear that in case no stay is obtained from the appellate Court within that period, the impugned order can be given effect. Petition disposed off.

R. S. MOHITE, J.

ssm.